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No. 10-381

Supreme Court, U.S.
FILED
NOV 26 2010
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

CLARENCE L. VANCE,

Petitioner,

v.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent

On Petition For A Writ Of Certiorari To
The Illinois Second District Appellate Court
Denied on November 1, 2010

PETITION FOR REHEARING

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REASONS FOR GRANTING THIS PETITION

The November 1, 2010 Order of this Court denied the Petition for a Writ of Certiorari in the instant Case. Said Petition addresses the criminal conviction of Petitioner, which conviction is based entire upon actions previously authorized by the Federal Bankruptcy Court in the statutory absence of jurisdiction.

By said denial, this Court apparently failed to consider that, pursuant to both pertinent and established Laws enacted by the Congress of the United States as authorized by Article I Section [1] of the United States Constitution and pertinent and published decisions of this Court and other State and Federal Courts in support of those Laws so enacted by said Congress, Bankruptcy Courts are deprived of jurisdiction by said Laws to authorize the subject actions, as is addressed in said Petition.

An exceptional case is addressed in said Petition in that the validity of the subject Laws so enacted by the Congress of the United States and published decisions in support of those Laws, rendered by this Court and other State and Federal Courts, have effectively and consistently been drawn into question by the actions of said Bankruptcy Court and the Illinois State Courts, as is addressed in said Petition, and now by said denial of said Petition.

By said denial, this Court also apparently failed to consider that the validity of said Laws, so enacted by the Congress of the United States, and said supporting Court decisions have been further drawn into question by the ongoing disregard of said Laws and said decisions.

Said denial by this Court constitutes an intervening and substantial ground for the filing of this Petition for Rehearing.

The Supremacy Clause in Article VI Section [2] of the Constitution of the United States explicitly declares, in pertinent part, that:

> "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby . . .."

Pursuant to "*This Constitution*", compliance with "*the supreme Law of the Land*" is not discretionary.

The Federal Statute now codified as 28 U.S.C. 1257 was originally enacted by the Congress of the United States in 1789, as so authorized.

Said Statute, until now, has been supported by the *Rooker-Feldman* doctrine of this Court. The applicability and pertinence of said doctrine having been further clarified by both the 2005 *Exxon Mobil* decision (544 U.S. 283) and the 2006 *Lance v. Dennis* decision (546 U.S. 459) of this Court, as is cited in said Petition.

By said denial, this Court effectively approved: **(A)** The Bankruptcy Court's utter disregard of the subject prior 1998 state-court judgment, which judgment judicially confirmed and validated both the lawful and recorded ownership of the subject real estate and the subject 1983 transfer of ownership; **(B)** The Bankruptcy Court's subsequent entertaining of the subject contrary 1999 ownership claim, alleged on behalf of a named party defendant to that prior state-court action and judgment, and thereupon effectively voided said prior state-court judgment, all in the absence of jurisdiction pursuant to 28 U.S.C. 1257, as is supported by said *Rooker-Feldman* doctrine; and **(C)** The subsequent disregard by the Illinois State Courts of both the effective and conclusive adjudication of the ownership issue set forth in said prior state-court

judgment and the Bankruptcy Court's statutory absence of jurisdiction to effectively void said state-court judgment.

By the denial of said Petition, this Court effectively abrogated said 28 U.S.C. 1257 and said *Rooker-Feldman* doctrine by the effective approval of the Bankruptcy Court's disregard and usurpation of the jurisdiction, lodged exclusively in this Court since 1789 by the Congress of the United States, to reverse or modify or effectively void a state-court judgment.

The validity of "*This Constitution*" and 28 U.S.C. 1257, as so enacted by the Congress of the United States, and said *Rooker-Feldman* doctrine have each been further drawn into question by said denial.

By the Federal Statute now codified as 11 U.S.C. 544(b), Bankruptcy Trustees are empowered by the Congress of the United States with the right to avoid a transfer of property that is voidable only under applicable law by a creditor holding an unsecured claim, as is addressed in said Petition.

Pursuant to the 1931 *Moore v. Bay* decision of this Court (284 U.S. 4) and pertinent Federal Court decisions cited in said Petition, Bankruptcy Trustees are actually deprived of the rights of secured creditors unless there is at least one unsecured creditor that has standing to bring the subject cause of action.

By the Federal Statute now codified as 11 U.S.C. 550(a), Bankruptcy Trustees are empowered by the Congress of the United States with the right to avoid such a transfer of property only for the benefit of the estate, which estate is to be comprised solely of unsecured creditors, as addressed in said Petition.

By the denial of said Petition, this Court effectively abrogated said 11 U.S.C. 544(b) and said 11 U.S.C. 550(a) by the effective approval of the Bankruptcy Court's utter disregard of said limitations

imposed upon a Bankruptcy Trustee by the enactment of said Laws by the Congress of the United States, as so authorized by the Constitution of the United States.

By said denial, this Court also effectively approved: **(A)** The subject actions of the Bankruptcy Court, taken solely for the benefit of the self-declared "*secured creditor*" in the utter disregard of the fact that the Bankruptcy Court Record establishes categorically that there was absolutely no unsecured creditor in that Case with standing to bring said subsequent 1999 cause of action; and **(B)** The subsequent actions of the Courts of Illinois which effectively approved and supported the subject prior Bankruptcy Court actions conducted in said statutory absence of jurisdiction.

The validity of "*This Constitution*" and 11 U.S.C. 544(b) and 11 U.S.C. 550(a), as so enacted by the Congress of the United States, and Federal Court decisions in support of said Congressional enactments have each been further drawn into question as a consequence of the denial of said Petition.

CONCLUSION

The denial of said Petition for Writ of Certiorari effectively abrogates both the "*the supreme Law of the Land*" and more than two hundred (200) years of American Jurisprudence and effectively initiates a new and uncharted and unauthorized course of jurisprudence in which "*the supreme Law of the Land*" and the Rule of Law are no longer controlling.

To preserve and protect "*the supreme Law of the Land*" and well established American Jurisprudence and the public confidence therein, this Court needs to rehear or reconsider its denial of said Petition for a Writ of Certiorari and enter an Order consistent with

"*the supreme Law of the Land*" and the Rule of Law.

Dated: November 24, 2010

Respectfully submitted,

Clarence L. Vance
Petitioner

CERTIFICATE OF COMPLIANCE

Pursuant to Supreme Court Rule 44(2) this Petition for Rehearing is restricted to intervening circumstances of a substantial effect and is presented in good faith and not for delay.

Dated: November 24, 2010

Clarence L. Vance
Petitioner